

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL	)	
TELEPHONE COMPANY FOR CONFIDENTIAL	)	
TREATMENT OF INFORMATION FILED IN	)	CASE NO.
SUPPORT OF ITS SPECIAL SERVICE	)	91-159
ARRANGEMENT CONTRACT FOR VENCOR,	)	
INC. FOR AN ESSX FEATURE	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed April 26, 1991 pursuant to 807 KAR 5:001, Section 7, and KRS 61.878, for confidential protection of the cost support data filed in support of its Special Service Arrangement Contract with Vencor, Inc. for Message Waiting Indication on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell seeks to protect as confidential the cost support data developed in connection with its Special Service Arrangement Contract with Vencor, Inc. to provide Message Waiting Indication, an ESSX Feature associated with electronic business sets. The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve the confidentiality of the information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for ESSX services are providers of PBX equipment. Most PBX equipment manufactured today has Message Waiting capability. Disclosure of the information would give South Central Bell's competitors an unfair business advantage in that they could determine South Central Bell's costs and contribution from the service. This information could be used by competitors of South Central Bell to market their competitive service to the detriment of South Central Bell. Therefore, the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its Special Service Arrangement Contract for Vencor, Inc. for Message Waiting Indication, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 29th day of May, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director